

Providing Human Rights? : An Analysis
on Donor's Influence on China's
Human Rights observance

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Framework

- Introduction: research design; literature review; main hypothesis
- China's Human rights in Change
- Japan's ODA and its influence in HR
- EU's ODA and its influence in HR
- Conclusion and implication

Part I: Research design

- **Research question:** To what extent and in what ways will foreign aid have effect on recipient government's observance of human rights?
- **Independent variable:** foreign aid (gate-keeping stage, level stage, the type of ODA, conditions attached)
- **Dependent variable:** human rights (official statements and scholarly works, international treaties, domestic policy-making)
- **Controlled variables:** governmental administration; domestic institutional condition; domestic economic development
- **Case study:** advantage and limitation (its applicability?)

Part I: Conventional thinking

- **Foreign aid**

- Determinants: donor interests (colonial past, political alliances, strategic consideration) > recipient needs
- Effects: limited influence on economic growth, democratization, good governance

- **Human rights**

- Domestic: domestic institutional condition, governmental administration, domestic economic development
- International: (UN 1000 A/55/342) wealth generation, institutionalization

Part I: Main hypothesis

Pathway	Hypothesis
Wealth generation	1. Foreign aid as a promoter for recipient countries' economic prosperity ;
Institutionalization	2. Cutting off aid (sanction/ embargo) may force recipients to change its human rights policy; 3. Conditional foreign aid may serve a better role; 4. Certain types of foreign aid may promote institutionalization ; 5. Foreign aid may work through changing the cognitively available choices on issues related to human rights.

Part II: China's human rights in change

	Official statements and scholarly works	HR treaties adopted by China	HR policy-making
Prior to 1978: ideological weapon by capitalist nations to attack socialist system.			
1978-1989	nuanced	Signed 7 international treaties	The rights of personal freedom and freedom of religious belief were written into constitution.
1989-1994	Emphasis on the relationship between international human rights norms and state sovereignty	Still engaged in limited international HR activities	Chinese government sent delegations to western countries to study HR theories
1995-	Admit some of the common standards for HR	1997: ICSECR (ratified in 2001) 1998: ICCPR (waiting to be ratified)	International dialogue and cooperation

1989~1995

- **International pressure:** criticism from nations and NGOs, resolutions in UN, joint-embargo (cutting off foreign aid)
- **China's reaction:**
 - Jiang Zemin and Li Peng on several occasions asked China's scholars to develop China's own theories of human rights.
 - Publication of a White Paper in October 1991: historical and social background, right to subsistence, independence and sovereignty, national stability
 - No concession until western countries gave in: “Provided Bush made the first step to improve relations, he would find China ready to reciprocate.” (Deng, 1989)

White Paper as a reaction

- The issue of human rights has become one of great significance and common concern in the world community. The series of declarations and conventions adopted by the United Nations have won the support and respect of many countries. The Chinese government has also highly appraised the Universal Declaration of Human Rights, considering it the first international human rights document that has laid the foundation for the practice of human rights in the world arena. However, the evolution of the situation in regard to human rights is circumscribed by the historical, social, economic and cultural conditions of various nations, and involves a process of historical development... Therefore, a country's human rights situation should not be judged in total disregard of its history and national conditions, nor can it be evaluated according to a preconceived model or the conditions of another country or region. Such is the practical attitude, the attitude of seeking truth from facts.
- The first thing for the Chinese people to do is, for historical reasons, to secure the right to subsistence.
- The preservation of national independence and state sovereignty and the freedom from imperialist subjugation are, therefore, the very fundamental conditions for the survival and development of the Chinese people.
- It is the fundamental wish and demand of the Chinese people and a long-term, urgent task of the Chinese government to maintain national stability.

----" Human Rights in China" (White Paper), November 1991, Beijing

Part III: Japan as the donor

- **Basic information:** started in 1979; the biggest donor in China until the early 2000s; an important funding source at the beginning of reform and opening-up (supported by memoirs)
- **Reaction after 1989**
 - Suspended the third loan aid negotiation in 1989 reluctantly (1 million yen in emergency on 7 August; former aid projects were reopened in 18th August 1989; 80% of Japanese firms in China were in full operation in mid-August; fully normalized in Jan 1990)
 - A change in ODA principles: new guidelines in 1991; Four principles in Japan's ODA Charter in 1992---- but not applied to China's human rights performance
 - Non-conditional aid
 - An increase of technical cooperation in Japan's ODA to China

Types of Japan's ODA to China

Milion dollar

year	loan aid	percentage (%)	grant aid	percentage (%)	technical cooperation	percentage (%)	total
1979	0	0	0	0	2.6	100	2.6
1980	0.9	20.59	0	0.00	3.4	77.80	4.37
1981	15.6	53.13	2.5	8.51	9.6	32.70	29.36
1982	330.2	83.39	25.5	6.44	13.5	3.41	395.98
1983	299.1	79.52	30.6	8.14	20.5	5.45	376.12
1984	347.9	83.39	14.2	3.40	27.3	6.54	417.18
1985	345.2	83.27	11.5	2.77	31.2	7.53	414.57
1986	410.1	79.10	25.7	4.96	61.2	11.80	518.47
1987	422.8	74.08	54.3	9.51	76	13.32	570.74
1988	519	75.07	52	7.52	102.7	14.86	691.33
1989	668.1	78.31	58	6.80	106.1	12.44	853.11
1990	521.7	70.59	37.8	5.11	163.5	22.12	739.06
1991	391.2	65.62	56.6	9.49	137.5	23.06	596.16
1992	791.2	73.80	72.1	6.73	187.5	17.49	1072.09
1993	1051.2	76.01	54.4	3.93	245.1	17.72	1383.06
1994	1133.1	75.03	99.4	6.58	246.9	16.35	1510.15
1995	992.3	70.52	83.1	5.91	304.8	21.66	1407.06
1996	533	60.44	25	2.83	303.7	34.44	881.92
1997	309.7	51.85	15.4	2.58	251.8	42.15	597.34
1998	818.3	69.22	38.2	3.23	301.6	25.51	1182.24
1999	811.5	65.17	65.68	5.27	348.79	28.01	1245.14
2000	397.18	51.64	53.05	6.90	318.96	41.47	769.19
total	11109.28	70.96	875.03	5.59	3264.25	20.85	15657.23

“Japan’s ODA Annual Report” (named “Japan’s ODA White Paper” since 2001) every year

Part IV: EU as the donor

- **Basic information:** started in 1983 (aid provided by member countries started in the late 1970s); the second biggest donor in China
- **Reaction after 1989:**
 - Gate-keeping stage: a joint sanctions against Beijing including cutting down its aid to China on 27 June 1989; co-sponsored draft resolutions against Beijing in United Nations Commission on Human Rights from 1989 to 1997 (August 1989) ---- **Failed**
 - level stage: a bilateral human rights dialogue accompanied with the restart of foreign aid since 1995 ---- **limited direct achievements**
 - Aid projects related to human rights: “EU–China Legal and Judicial Co-operation Programme”, China–EU Law School in Beijing ---- **long-term positive impact**

Objective of EU's dialogue with China

- The European Union is committed to dealing with those priority issues which should be included on the agenda for every [human rights] dialogue. These include *the signing, ratification and implementation of international human rights instruments, cooperation with international human rights procedures and mechanisms, combating the death penalty, combating torture, combating all forms of discrimination, children's rights, and in particular those of children in armed conflicts, women's rights, freedom of expression, the role of civil society and the protection of human rights defenders, international cooperation in the field of justice, in particular with the International Criminal Court, promotion of the processes of democratization and good governance, the rule of law and the prevention of conflict.*

—— EU Guidelines on Human Rights Dialogues with Third Countries: Update, p. 6

Part V: Conclusion and implication

		Japan - China	EU - China
Wealth generation	economic prosperity	The importance of Japan's ODA at the beginning of reform	Not significant
institutionalization	Gate-keeping	Not tested	Failed
	Conditions	Not tested	Not tested
	Types	Technical cooperation	Projects promoting human rights
	Cognitively available choices	Showing the advantage of globalization	Scholarly works under the influence of aid project

- **Conclusion**

- For an authoritarian recipient state with relative big domestic market, donors can hardly have direct influence on its human rights behavior simply by cutting down or putting conditions on aid. However, foreign aid may work by changing the cognitively available choices of recipient countries, and further promote the advantages of existed HR norms.
- A representative part of globalization: “I am honored to be a world citizen while being a member of Chinese people ” (Deng)

- **Policy implications for donor countries:**

- The importance to show their attitudes regarding human rights through ODA negotiation
- Detailed projects that will not harm recipients’ “sovereignty” are preferred

Thank you for
listening